

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	ATTY. DOCKET NO.:	RSW920030209US1
	§	
	§	
AMIT P. ACHARYA, ET AL.	§ EXAMINER:	DONAGHUE, LARRY D.
	§	
SERIAL NO.:	§ CONFIRMATION NO.:	5366
	§	
FILED: 22 OCTOBER 2003	§ ART UNIT:	2454
	§	
FOR: METHOD, SYSTEM AND	§	
PROGRAM PRODUCT FOR	§	
ANALYZING A	§	
SCALABILITY OF AN	§	
APPLICATION SERVER	§	

RESPONSE B

MAIL STOP NON-FEE AMENDMENT
COMMISSIONER FOR PATENTS
PO Box 1450
ALEXANDRIA, VIRGINIA 22313-1450

Sir:

This Response is filed in response to a First Action Interview Office Action Summary dated April 16, 2010, having a shortened statutory response due date of May 16, 2010.

A telephone call to the Examiner on April 28, 2010 resulted in an agreement that adding the term "non-transitory" to describe the recordable medium found in the preamble of program product Claim 32 would result in the allowance of all pending Claims 30-32. The Examiner graciously offered to enter this term in an Examiner's Amendment, which the Examiner confirmed had been entered during a follow-up phone call on April 29, 2010.

If the undersigned has misunderstood that all claims are now in condition for allowance, a call to the same at 512.306.0796 would be greatly appreciated.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any

fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0461**.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. Boice', with a long horizontal flourish extending to the right.

James E. Boice
Registration No. 44,545
LAW OFFICE OF JIM BOICE
3839 Bee Cave Road
Suite 201
Austin, Texas 78746
512.306.0796
ATTORNEY FOR APPLICANT(S)